

1. The Plaintiffs filed their PETITION in the District Court of Seminole County on May 26, 2023. Exhibit 1 attached to Defendant's NOTICE OF REMOVAL.
2. The May 26 PETITION sued for an amount in excess of the diversity jurisdiction of the United States District Courts and additionally requested costs, attorney fees, interest, and other relief, including punitive damages.
3. Defendant's Counsel knew, or had reason to know, that the amount in controversy is in excess of \$75,000.00.

4. On May 26, 2023, and before, Defendant and Defendant's counsel knew, or had reason to know, that Plaintiffs were residents of Seminole County, Oklahoma. The damages sued for occurred on land situated in Seminole County, Oklahoma. Defendant conducts substantial business in Seminole County, Oklahoma and has one of its main offices located in the City of Seminole. Defendant was served with Summons on June 5, 2023, over a year ago.

5. Defendant avers that the NOR was timely filed within thirty days of when it first ascertained that the action was removable. Plaintiffs deny and request proof of timely notice.

6. The NOR was filed June 27, 2024, which is over a year after ascertaining the information necessary that the action was removable.

ARGUMENT AND AUTHORITIES

Presumption against removal jurisdiction: It is well established that the party invoking federal jurisdiction bears the burden of establishing such jurisdiction as a threshold matter. *Radil v. Sanborn W. Camps, Inc.* 384 F.3d 1220, 1224 (10th Cir.2004).

The removal statutes are strictly construed, and ambiguities should be resolved in favor of remand. See *Shamrock Oil & Gas v. Sheets*, 313 U.S. 100, 108-09 (1941); *Fajen v. Found Reserve Ins. Co.*, 683 F.2d 331, 333 (10th Cir.1982). In fact, there is a presumption against removal jurisdiction, and doubtful cases must be resolved in favor of remand. *Laughlin v. Kmart Corp.*, 50 F3d 871, 873 (10th Cir.1995). The removing party has the burden to show that diversity jurisdiction exists and that the removal is timely. See, e.g. *Smith v. Union Nat. Life Ins. Co.*, 187 F.Supp.2d 635, 638-639 (S.D.Miss. 2001), citing *Albonetti v. GAF Corporation-Chemical Group*, 520 F.Supp. 825, 827 (S.D.Tex.1981).

30 Days Allowed to File Notice of Removal: Defendant is required to remove within thirty days of receipt of a copy of "other papers" from which it may first be ascertained that the case is one which is or has become removable." 28 U.S.C. Section 1446(b)(3).

The Amount in Controversy: Defendant's NOR admits that the amount in controversy is over \$75,000.00. Defendant further alleges in it's NOR that "This Notice of Removal" is filed within 30 days of Enerfin's receipt of "other paper" notifying Enerfin that the case has become removable. Plaintiffs contend that Enerfin knew that the amount in controversy exceeded \$75,000.00 for almost a year.

Diversity of Citizenship: Defendant knew long before Plaintiffs' PETITION was filed on May 26, 2023, that they were citizens of Seminole County, Oklahoma. Defendant's agents, servants, and employees, met with Plaintiffs, knew where they lived, and knew for over a year that they were Oklahoma residents.

CONCLUSION

The 30 day period for Defendant to remove Plaintiffs' lawsuit from state court to this Court expired on July 5, 2023. Defendant's NOR filed on June 27, 2024 is not timely. This action should be remanded to the Seminole County District Court. The Court's order of remand should include an award to Plaintiffs if its expenses, including attorney's fees.



Richard E. Butner, OBA #1385

Rhett Butner, OBA #22514

Attorneys for Plaintiffs

BUTNER & BUTNER

Attorneys at Law

P.O. Box 1460

Wewoka, OK 74884

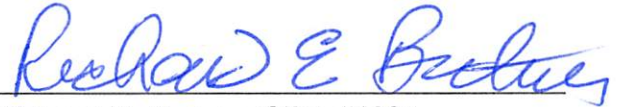
(405) 257-6254

FAX: 257-5638

richardbutner9@msn.com

CERTIFICATE OF SERVICE

I, RICHARD E. BUTNER, hereby certify that on this 16th day of July, 2024, I caused this document to be electronically transmitted to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants: Mike Brady and Jay Dobson, Attorneys for Defendant.



Richard E. Butner, OBA #1385

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

SEAN BREWER and JANET BREWER,

Plaintiffs,

vs.

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership

Defendant.

CASE NO. CIV-24-221-JAR

(Removed from the District Court of
Seminole County, State of Oklahoma,
Case No. CJ-2023-57)

NOTICE OF REMOVAL

Defendant, Enerfin Resources I Limited Partnership (“Enerfin”), removes the above-captioned action from the District Court of Seminole County, State of Oklahoma to the United States District Court for the Eastern District of Oklahoma under 28 U.S.C. §§ 1332, 1441, and 1446. The grounds for removal are as follows:

1. Plaintiffs Sean Brewer and Janet Brewer commenced this action entitled *Sean Brewer and Janet Brewer vs. Enerfin Resources I Limited Partnership, d/b/a Enerfin Resources Company*, Case No. CJ-2023-501, in the District Court of Seminole County, State of Oklahoma (the “Action”) by filing their Petition on May 26, 2023. Ex. 1.

2. Plaintiffs served the Petition and Summons on Enerfin by certified mail on June 5, 2023. Ex. 2.

3. The Petition is attached as Exhibit 1. The Service of Process Transmittal is attached as Exhibit 2. The Summons served on Enerfin is attached as Exhibit 3. Enerfin’s Entry of Appearance and Reservation of Time is attached as Exhibit 4. Enerfin’s Answer is attached as Exhibit 5. The state court docket sheet and all additional documents filed and served in the case

are attached as Exhibit 6. Enerfin is unaware of the existence of any additional process, pleadings, or orders. Further, Enerfin is unaware of any motions pending before the Seminole County District Court in this matter, other than the motion attached at Ex 6-A.

4. As set forth more fully below, this case is properly removed to this Court under 28 U.S.C. §§ 1332, 1441, and 1446 because Enerfin has satisfied the procedural requirements for removal and the Court has subject matter jurisdiction under 28 U.S.C. § 1332(a).

I. Removal is proper under 28 U.S.C. § 1332(a).

5. The Court has diversity jurisdiction under 28 U.S.C. § 1332(a). This is a civil action where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and complete diversity of citizenship exists between Plaintiffs and Enerfin. Enerfin may therefore remove this Action under 28 U.S.C. § 1441(a).

A. Complete diversity of citizenship exists between Plaintiffs and Enerfin.

6. Enerfin is a foreign limited partnership organized under the laws of Texas. Enerfin's principal place of business is in Houston, Texas. For purposes of diversity jurisdiction under § 1332(a), Enerfin is deemed to be a citizen of Texas. *See* 28 U.S.C. § 1332(c)(1).

7. Plaintiffs are Oklahoma residents residing in Seminole County, Oklahoma. Plaintiffs are deemed to be Oklahoma citizens for purposes of diversity jurisdiction. *See* 28 U.S.C. § 1332(a).

8. Because Plaintiffs are citizens of Oklahoma and Enerfin is a citizen of Texas, complete diversity exists.

B. The amount-in-controversy requirement is satisfied.

9. The amount-in controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332 is satisfied because Plaintiffs seek damages in excess of \$75,000.00.

II. Enerfin has satisfied the procedural requirements for removal.

10. Under 28 U.S.C. § 1446(b)(3), a notice of removal may be filed within 30 days after defendant's receipt, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. This Notice of Removal is filed within 30 days of Enerfin's receipt of "other paper" notifying Enerfin that the case has become removable.

11. Written notice of the filing of this Notice of Removal will be given to Plaintiffs and filed with the clerk of the District Court for Seminole County promptly after filing this notice of removal pursuant to 28 U.S.C. § 1446(d).

III. Conclusion.

12. For these reasons, Enerfin Resources Limited Partnership hereby removes this action to the United States District Court for the Eastern District of Oklahoma in accordance with 28 U.S.C. §§ 1332, 1441, and 1446. Enerfin respectfully requests the Court assume jurisdiction over this action and that all further proceedings in the District Court for Seminole County, Oklahoma be stayed.

Respectfully submitted,

/s/ Sean-Michael Brady

Jay W. Dobson, OBA No. 32546

Sean-Michael Brady, OBA No. 33842

OF THE FIRM

Elias Books Brown & Nelson, P.C.
Two Leadership Square, Suite 1300
211 N. Robinson Avenue
Oklahoma City, Oklahoma 73102-7114
Telephone: 405/232-3722
Facsimile: 405/232-3746
Email: jdobson@eliasbooks.com
Email: mbrady@eliasbooks.com

**ATTORNEYS FOR DEFENDANT
ENERFIN RESOURCES I
LIMITED PARTNERSHIP**

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2024, I electronically transmitted the foregoing document to the Court Clerk using the ECF system for electronic filing and transmittal of a Notice of Electronic Filing to the following EFC registrants:

Richard E. Butner
Rhett Butner
BUTNER & BUTNER
P.O. Box 1460
Wewoka, OK 74884
richardbutner9@msn.com
ATTORNEY FOR PLAINTIFFS

/s/ Sean-Michael Brady

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT
MAY 22 2023
BY ARM A. DAVIS COURT CLERK
15 DEPUTY

SEAN BREWER and JANET BREWER,
Husband and Wife,

Plaintiffs,

vs.

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership,

Defendant.

CJ-2023- 57

PETITION

COME now the PLAINTIFFS, SEAN BREWER and JANET BREWER, Husband and Wife, and for their PETITION, allege and state as follows, to-wit:

1. THAT at all times mentioned herein, PLAINTIFFS were, and still are, the owners of the following described real property situated in Seminole County, Oklahoma, to-wit:

The South Half of the Northeast Quarter of the Northeast Quarter (S/2 NE/4 NE/4) of Section Twenty-Five (25), Township Ten (10) North, Range Seven (7) East, Seminole County, Oklahoma, less and except all oil, gas and other minerals.

2. THAT at all times mentioned herein, DEFENDANT, ENERFIN RESOURCES I LP, was and still is, a Texas Limited Partnership.

3. THAT DEFENDANT claims that it has a pipeline easement over and across PLAINTIFFS' property situated in Seminole County, Oklahoma, but PLAINTIFFS deny such claim and demands strict proof thereof.

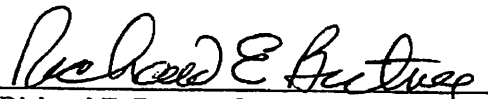
4. THAT on or about the 11th day of June, 2021, and for a time thereafter, DEFENDANT'S pipeline leaked Oil and/or other caustic substances over and upon the real property owned by the PLAINTIFFS described above.

5. THAT the leak was caused by the negligence of the DEFENDANT in the operation of it's pipeline easement and/or trespass over and upon PLAINTIFFS' property..

6. THAT as a direct and proximate result of DEFENDANT'S negligence, PLAINTIFFS have suffered damages IN EXCESS OF TEN THOUSAND (\$10,000.00) dollars.

7. THAT in the alternative, or in addition to actual damages, PLAINTIFFS are entitled to Punitive Damages in an amount in excess of TEN THOUSAND DOLLARS, (\$10,000.00).

WHEREFORE, premises considered, PLAINTIFFS pray that upon the trial of this matter that they be granted judgment against the DEFENDANT for damages IN EXCESS OF TEN THOUSAND DOLLARS, (\$10,000.00), Punitive Damages in excess of TEN THOUSAND DOLLARS, (\$10,000.00), their Attorney's Fees, Costs, and other relief proper in the premises.



Richard E. Butner, OBA #1385
Rhett Butner, OBA #22514
Attorneys for PLAINTIFFS

BUTNER & BUTNER
Attorneys at Law
P.O. Box 1460
Wewoka, OK 74884


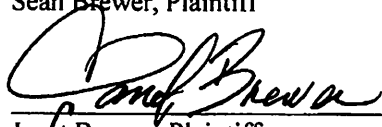
(405) 257-6254
FAX: 257-5638
richardbutner9@msn.com

STATE OF OKLAHOMA)
)
COUNTY OF SEMINOLE) ss Verification

We, SEAN BREWER and JANET BREWER, Husband and Wife, after being duly sworn upon our oaths, state as follows, to-wit:

THAT we have read the attached PETITION and are familiar with the contents therein.

THAT the contents are true and correct to the best of our knowledge and belief.


Sean Brewer, Plaintiff

Janet Brewer, Plaintiff

Subscribed and sworn to before me this 22nd day of May, 2023.


Notary Public

SEAL



EXHIBIT 1



Registered Agent Solutions, Inc.
Corporate Mailing Address
1701 Directors Blvd.
Suite 300
Austin, TX 78744
Phone: (888) 705-RASI (7274)

SERVICE OF PROCESS RECEIPT

2023-06-05

Thomas M. Imre
ENERFIN RESOURCES I LIMITED PARTNERSHIP
1001 South Dairy Ashford RD.
Suite 220
Houston, TX 77077 USA

NOTICE OF CONFIDENTIALITY

This notice and the information it contains are intended to be a confidential communication only to the individual and/or entity to whom it is addressed. If you have received this notice in error, immediately call our SOP Department at (888) 705-7274.

RE: ENERFIN RESOURCES I LIMITED PARTNERSHIP

This receipt is to inform you that Registered Agent Solutions, Inc. has received a Service of Process on behalf of the above-referenced entity as your registered agent and is hereby forwarding the attached document(s) for your immediate review. A summary of the service is shown below; however, it is important that you review the attached document(s) in their entirety for complete and detailed information.

For additional information and instruction, contact the document issuer: BUTNER & BUTNER

SERVICE INFORMATION

Service Date: 2023-06-05
Service Time: 12:10PM CDT
Service Method: Mail (Certified)

RASI REFERENCE INFORMATION

Service No.: 0260043
RASI Office: Oklahoma
Rec. Int. Id.: JLW

CASE INFORMATION

Case Number: CJ-2023-57
File Date: 05/26/2023
Jurisdiction: OKLAHOMA DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
Case Title: SEAN BREWER, ET AL VS. ENERFIN RESOURCES I LP, ET AL

ANSWER / APPEARANCE INFORMATION

20 days
(Be sure to review the document(s) for any required response dates)

AGENCY / PLAINTIFF INFORMATION

Firm/Issuing Agent: BUTNER & BUTNER
Attorney/Contact: RICHARD E. BUTNER
Location: Oklahoma
Telephone No.: 405-257-6254

DOCUMENT(S) RECEIVED & ATTACHED

Summons
Affidavit / Certification
Petition:

ADDITIONAL NOTES

Questions or Comments... Should you have any questions or need additional assistance, please contact the SOP Department at (888) 705-7274.

You have been notified of this Service of Process by Insta-SOP Delivery, a secure email transmission. The transmitted documents have also been uploaded to your Compliance account. RASI offers additional methods of notification including Telephone Notification and FedEx Delivery. If you would like to update your account's notification preferences, please log into your Compliance account at www.rasi.com.

Thank you for your continued business!

EXHIBIT 2

ORIGINAL

Please Return To:
Seminole County Court Clerk
Seminole County Courthouse
P.O. Box 1460
Wewoka, OK 74884-0460

ISSUED
MAY 24 2023

**IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA**

SEAN and JANET BREWER,)
Plaintiffs,)

- vs -)

ENERFIN RESOURCES I LP, dba)
ENERFIN RESOURCES COMPANY,)
A Texas Limited Partnership.)
Defendant.)

C J-2023-57

SUMMONS

TO: ENERFIN RESOURCES ILP,
A Texas Limited Partnership

You have been sued by the above named plaintiffs, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. A copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you together with the costs of the action.

Issued on May 24, 2023.

KIM DAVIS, COURT CLERK

[SEAL]

By

Kim Davis

Deputy Court Clerk

Richard E. Butner OBA #1385
R. Rhett Butner OBA#22514
Butner & Butner
Post Office Box 1460
123 S. Wewoka Avenue
Wewoka, Oklahoma 74884
Telephone (405) 257-6254
Attorney for Plaintiff

This summons was served on _____

Signature of person serving summons

EXHIBIT 2

YOU MAY SEEK THE ADVICE OF ANY ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

EXHIBIT 2

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT
MAY 26 2023

KIM A. DAVIS, COURT CLERK
BY _____ DEPUTY

SEAN BREWER and JANET BREWER,
Husband and Wife,

Plaintiffs,

vs.

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership,

Defendant.

CJ-2023-57

PETITION

COME now the PLAINTIFFS, SEAN BREWER and JANET BREWER, Husband and Wife, and for their PETITION, allege and state as follows, to-wit:

1. THAT at all times mentioned herein, PLAINTIFFS were, and still are, the owners of the following described real property situated in Seminole County, Oklahoma, to-wit:

The South Half of the Northeast Quarter of the Northeast Quarter (S/2 NE/4 NE/4) of Section Twenty-Five (25), Township Ten (10) North, Range Seven (7) East, Seminole County, Oklahoma, less and except all oil, gas and other minerals.

2. THAT at all times mentioned herein, DEFENDANT, ENERFIN RESOURCES I LP, was and still is, a Texas Limited Partnership.

3. THAT DEFENDANT claims that it has a pipeline easement over and across PLAINTIFFS' property situated in Seminole County, Oklahoma, but PLAINTIFFS deny such claim and demands strict proof thereof.

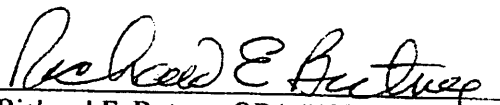
4. THAT on or about the 11th day of June, 2021, and for a time thereafter, DEFENDANT'S pipeline leaked Oil and/or other caustic substances over and upon the real property owned by the PLAINTIFFS described above.

5. THAT the leak was caused by the negligence of the DEFENDANT in the operation of it's pipeline easement and/or trespass over and upon PLAINTIFFS' property..

6. THAT as a direct and proximate result of DEFENDANT'S negligence, PLAINTIFFS have suffered damages IN EXCESS OF TEN THOUSAND (\$10,000.00) dollars.

7. THAT in the alternative, or in addition to actual damages, PLAINTIFFS are entitled to Punitive Damages in an amount in excess of TEN THOUSAND DOLLARS. (\$10,000.00).

WHEREFORE, premises considered, PLAINTIFFS pray that upon the trial of this matter that they be granted judgment against the DEFENDANT for damages IN EXCESS OF TEN THOUSAND DOLLARS. (\$10,000.00), Punitive Damages in excess of TEN THOUSAND DOLLARS, (\$10,000.00), their Attorney's Fees, Costs, and other relief proper in the premises.


Richard E. Butner, OBA #1385
Rhett Butner, OBA #22514
Attorneys for PLAINTIFFS

BUTNER & BUTNER
Attorneys at Law
P.O. Box 1460
Wewoka, OK 74884


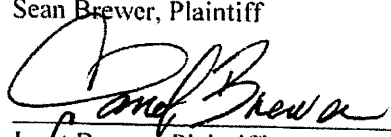
(405) 257-6254
FAX: 257-5638
richardbutner9@msn.com

STATE OF OKLAHOMA)
) ss Verification
COUNTY OF SEMINOLE)

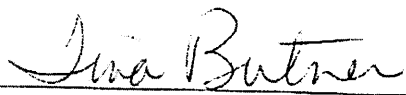
We, SEAN BREWER and JANET BREWER, Husband and Wife, after being duly sworn upon our oaths, state as follows, to-wit:

THAT we have read the attached PETITION and are familiar with the contents therein.

THAT the contents are true and correct to the best of our knowledge and belief.


Sean Brewer, Plaintiff

Janet Brewer, Plaintiff

Subscribed and sworn to before me this 22nd day of May, 2023.


Notary Public

SEAL



EXHIBIT 2

BUTNER & BUTNER

ATTORNEYS AT LAW

POST OFFICE BOX 1460

123 S. WEWOKA AVE.

WEWOKA, OKLAHOMA 74884-1460



7022 0410 0002 4144 1185

RDC 21



74104

U.S. POSTAGE PAID
FCM LETTER
WEWOKA, OK
74884
JUN 02, 23
AMOUNT

\$8.37

R2305M148691-02

*Registered Agent Solutions Inc
2021 S. Lewis Ave
Tulsa, OK 74104*

*Re: Everfin Resources I
A Limited Partnership*

104-573359

EXHIBIT 2

ORIGINAL

Please Return To:
Seminole County Court Clerk
Seminole County Courthouse
P.O. Box 130
Wewoka, OK 74884-0130

ISSUED

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

SEAN and JANET BREWER,
Plaintiffs,

- vs -

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership,
Defendant.

C J-2023-57

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

JUN 20 2023

SUMMONS

TO: ENERFIN RESOURCES ILP,
A Texas Limited Partnership

KIM A. DAVIS, COURT CLERK
BY Oct DEPUTY

You have been sued by the above named plaintiffs, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. A copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you together with the costs of the action.

Issued on May 24, 2023.

KIM DAVIS, COURT CLERK

[SEAL]

By

Kim Davis

Deputy Court Clerk

Richard E. Butner OBA #1385
R. Rhett Butner OBA#22514
Butner & Butner
Post Office Box 1460
123 S. Wewoka Avenue
Wewoka, Oklahoma 74884
Telephone (405) 257-6254
Attorney for Plaintiff

This summons was served on _____

Signature of person serving summons

EXHIBIT 3

YOU MAY SEEK THE ADVICE OF ANY ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

EXHIBIT 3

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY

STATE OF OKLAHOMA

SEAN AND JANET BREWER,

Plaintiffs,

vs.

**ENERFIN RESOURCES LLP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership,**

Defendant.


CJ-2023-57

RETURN OF SERVICE BY MAIL

I, RICHARD E. BUTNER, Attorney for Plaintiffs, after being duly sworn upon my oath, state as follows, to-wit:

THAT I CAUSED A COPY OF THE PETITION AND SUMMONS TO BE SERVED UPON THE DEFENDANT as evidenced by the ATTACHED RECEIPTS. THAT DEFENDANT'S SERVICE AGENT signed for and received the SUMMONS and PETITION on June 5, 2023 as evidenced herein.

THAT ATTACHED IS THE "GREEN CARD" receipt and CERTIFIED MAIL RECEIPT.


Richard E. Butner, OBA #1385
Attorney for Plaintiffs

Subscribed and sworn to before me this 20th day of June, 2023.

Jana Butner
Notary/Deputy Court Clerk

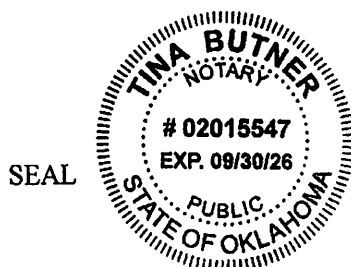
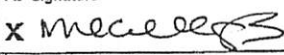


EXHIBIT 3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p>		<p>B. Received by (Printed Name) Front Desk</p>	<p>C. Date of Delivery 6/5/23</p>
<p>2. Article Number (Transfer from service label) 7022 0410 0002 4144 1185</p>		<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: Ste. 760</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
<p>Certified Mail Fee \$4.15</p> <p>Extra Services & Fees (check box, add fee to postage)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$0.87</p> <p>Total Postage and Fees \$5.37</p> <p>Sent To</p> <p>Street and Apt. No., or P.O. Box No.</p> <p>City, State, ZIP+4®</p>	<p>0448</p> <p>02</p> <p>06/02/2023</p> <p>USP</p>
<p>PS Form 3800, April 2012 PSN 7530-02-000-9053</p>	

IN THE DISTRICT COURT OF SEMINOLE COUNTY
STATE OF OKLAHOMA

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

JUN 29 2023

KIM A. DAVIS, COURT CLERK
BY  DEPUTY

SEAN BREWER and JANET BREWER,
husband and wife,

Plaintiffs,

v.

Case No. CJ-2023-57

ENERFIN RESOURCES LLP d/b/a
ENERFIN RESOURCES COMPANY,
a Texas limited partnership,

Defendants.

ENTRY OF APPEARANCE AND RESERVATION OF TIME

Jay W. Dobson and Sean-Michael Brady enter their appearances as counsel for Defendant Enerfin Resources LLP d/b/a Enerfin Resources Company in the above-captioned matter, reserving an additional twenty days in which to answer or further plead. The undersigned further consent to the service of all filings in this case via email to the following email addresses: jdobson@eliasbooks.com, mbrady@eliasbooks.com, and ktrowbridge@eliasbooks.com; provided, all filings must be sent to each listed email address in order to effectuate valid service.

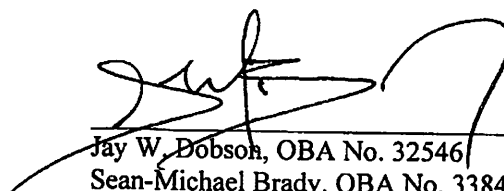
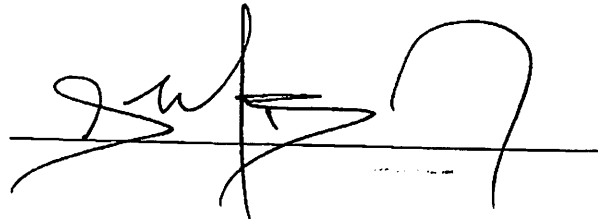

Jay W. Dobson, OBA No. 32546
Sean-Michael Brady, OBA No. 33842
ELIAS, BOOKS, BROWN & NELSON, P.C.
Two Leadership Square
211 North Robinson, Suite 1300
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-3722
Facsimile: (405) 232-3746
Email: jdobson@eliasbooks.com
mbrady@eliasbooks.com
ATTORNEYS FOR DEFENDANT

EXHIBIT 4

CERTIFICATE OF SERVICE

I certify that on June 23, 2023, I caused to be emailed and mailed by U. S. Mail, postage fully prepaid thereon, a true and correct copy of the foregoing document to the following counsel of record:

Richard E. Butner
Rhett Butner
BUTNER & BUTNER
P.O. Box 1460
Wewoka, OK 74884
richardbutner9@msn.com

A handwritten signature in black ink, appearing to read 'Butner', is written over a horizontal line.

IN THE DISTRICT COURT IN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

SEMINOLE COUNTY, OKLAHOMA
FILED
IN DISTRICT COURT

JUL 17 2023

KIM A. DAVIS, COURT CLERK
BY _____ DEPUTY

SEAN BREWER and JANET BREWER,

Plaintiffs,

vs.

CASE NO. CJ-2023-57

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership

Defendant.

**DEFENDANT ENERFIN RESOURCES I LIMITED PARTNERSHIP'S
ANSWER TO PLAINTIFFS' PETITION**

Defendant Enerfin Resources I Limited Partnership ("Enerfin"), for its Answer to the Petition filed by Plaintiffs Sean Brewer and Janet Brewer (collectively "Plaintiffs") denies each and every material allegation and demands strict proof thereof, except as specifically admitted below. For further answer and utilizing the same paragraph numbering as utilized in Plaintiffs' Petition, Enerfin alleges and states as follows:

1. Admitted.
2. Admitted.
3. Enerfin admits it operates a pipeline traversing beneath Plaintiffs' real property and that same is operated pursuant to Enerfin's easement rights in and to the land. Enerfin denies all remaining allegations contained within Paragraph 3.
4. Denied.
5. Denied.
6. Denied.
7. Denied.

EXHIBIT 5

AFFIRMATIVE DEFENSES

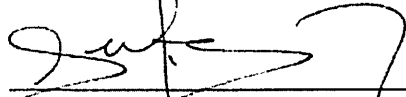
In addition to the denials set forth above, Enerfin asserts the following defenses, some of which may be affirmative defenses, to Plaintiffs' claims. These defenses do not constitute admissions and are not meant to relieve Plaintiffs of the full burden of proving each and every element of their claims. By listing the following additional defenses, Enerfin does not admit that it bears the burden of proof in establishing any of the following defenses.

1. Enerfin has conducted its activities at all times in accordance with the easement, applicable laws, industry standards, practices, customs, and usage.
2. Enerfin acted in compliance with state federal laws, rules and regulations.
3. Plaintiffs' claims are barred, in whole or in part, by contributory negligence and/or comparative negligence.
4. Plaintiffs' claims are barred, in whole or in part, by the doctrine of payment and/or setoff.
5. Plaintiffs' claims are barred, in whole or in part, by accord and satisfaction.
6. Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.
7. Plaintiffs' claims are barred, in whole or in part, by failure to join all necessary and indispensable parties.
8. Plaintiffs' claims are barred, in whole or in part, by waiver of consent and/or acquiescence.
9. Enerfin reserves the right to amend and assert such additional defenses as may be appropriate when further information is obtained through formal discovery.

PRAYER FOR RELIEF

WHEREFORE, Defendant Enerfin Resources I Limited Partnership, respectfully requests the Court find that Enerfin has no liability to Plaintiffs, deny Plaintiffs' request for relief, and find that Plaintiffs take nothing by way of their Petition against Enerfin. Enerfin further requests that the Court award Enerfin its respective costs and fees in this action, including a reasonable attorney fee, and such other and further relief as the Court deems appropriate.

Respectfully submitted,



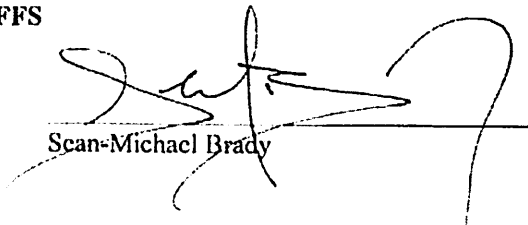
Jay W. Dobson, OBA No. 32546
Sean-Michael Brady, OBA No. 33842
Elias Books Brown & Nelson, P.C.
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Oklahoma City, Oklahoma 73102-7114
Telephone: 405/232-3722
Facsimile: 405/232-3746
Email: jdobson@eliasbooks.com
Email: mbrady@eliasbooks.com

**ATTORNEYS FOR DEFENDANT
ENERFIN RESOURCES I
LIMITED PARTNERSHIP**

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of Defendant's Answer to the Petition was mailed this 17th day of July 2023, by depositing it in the U.S. Mail, postage prepaid to:

Richard E. Butner, OBA No. 1385
Rhett Butner, OBA No. 22514
Butner & Butner Attorneys at Law
P.O. Box 1460
Wewoka, OK 7488
(405) 257-6254
FAX: 257-5638
ATTORNEYS FOR PLAINTIFFS



Scan-Michael Brady



OKLAHOMA
State Courts Network

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IN THE DISTRICT COURT IN AND FOR SEMINOLE COUNTY, OKLAHOMA

No. CJ-2023-00057

(Civil relief more than \$10,000: DAMAGES)

BREWER, SEAN et al VS. ENERFIN RESOURCES
COMPANY

Filed: 05/26/2023

Judge: OLSEN, THE HONORABLE TIMOTHY

PARTIES

BREWER, SEAN, Plaintiff
BREWER, JANET, Plaintiff
ENERFIN RESOURCES COMPANY, Defendant

ATTORNEYS

Attorney

DOBSON, JAY W.
TWO LEADERSHIP SQUARE, STE. 1300
211 N. ROBINSON AVE
OKLAHOMA CITY, OK 73102

Represented Parties

EVENTS

None

ISSUES

1. DAMAGES

DOCKET

Date	Code	Description
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EXHIBIT 6














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	PETITION	
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	(Entry with fee only)	\$ 7.00
	(Entry with fee only)	\$ 25.00
	(Entry with fee only)	\$ 10.00
	(Entry with fee only)	\$ 5.00
	(Entry with fee only)	\$ 0.50
	(Entry with fee only)	\$ 1.55
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	(Entry with fee only)	\$ 10.00
	(Entry with fee only)	\$ 1.00
	(Entry with fee only)	\$ 0.45
	(Entry with fee only)	\$ 2.48
	(Entry with fee only)	\$ 10.00
05/26/2023	[TEXT]	\$ 10.00
	ISSUED SUMMONS BACK TO ATTY FOR SERVICE	
	Document Available (#1051438214)  TIFF  PDF	
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	SUMMONS RETURNED SERVED	
	Document Available (#1052017273)  TIFF  PDF	
06/29/2023	[TEXT]	
	ENTRY OF APPEARANCE AND RESERVATION OF TIME	
	Document Available (#1051976766)  TIFF  PDF	
07/17/2023	[TEXT]	
	DEFENDANT ENERFIN RESOURCES I LIMITED PARTNERSHIP'S	
	Document Available (#1052049731)  TIFF  PDF	
	ANSWER TO PLAINTIFF'S PETITION	
01/10/2024	[TEXT]	
	MOTION TO SCHEDULE	
	Document Available (#1051796157)  TIFF  PDF	

EXHIBIT 6

IN THE DISTRICT COURT WITHIN AND FOR SEMINOLE COUNTY
STATE OF OKLAHOMA

SEMINOLE COUNTY OKLAHOMA
IN DISTRICT COURT

JAN 10 2024

KIM A. DAVIS, COURT CLERK
BY  DEPUTY

SEAN BREWER and JANET BREWER,

Plaintiffs,

vs.

ENERFIN RESOURCES I LP, dba
ENERFIN RESOURCES COMPANY,
A Texas Limited Partnership,

Defendant.

CJ-2023-57

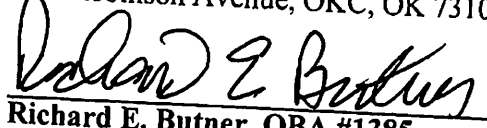
MOTION TO SCHEDULE

COME now the PLAINTIFFS, SEAN BREWER and JANET BREWER, and for their MOTION TO SCHEDULE, show to this Honorable Court as follows, to-wit:

1. THAT Plaintiffs filed their PETITION herein on May 26, 2023 praying for damages.
2. THAT Defendant filed its ANSWER TO PLAINTIFFS' PETITION on July 17, 2023 and the case is now "at issue."

WHEREFORE, premises considered, PLAINTIFFS pray that the captioned case be set for a SCHEDULING CONFERENCE and upon hearing this MOTION TO SCHEDULE that a SCHEDULING ORDER be entered, and for such other and further relief proper in the premises.

CERTIFICATE OF MAILING: I, RICHARD E. BUTNER, hereby certify that on this 10th day of January, 2024, I mailed, with sufficient postage prepaid thereon, a true and correct copy of the above MOTION TO SCHEDULE to Defendant's Attorney, Jay W. Dobson, Two Leadership Square, Suite 1300, 211 N. Robinson Avenue, OKC, OK 73102-7114.


Richard E. Butner, OBA #1385
Rhett Butner, OBA # 22514
Attorneys for Plaintiffs

BUTNER & BUTNER
Attorneys at Law
P.O. Box 1460
Wewoka, OK 74884

(405) 257-6254
FAX: 257-5638

richardbutner9@msn.com

EXHIBIT 6-A